

Mr. K. Brian London  
Director  
Administrative Services Division  
Office of Investigations  
U.S. Customs Service  
1301 Constitution Avenue  
Washington, DC 20229

Att: Bruce E. Miller

Re: Request for Evidence Pursuant to Postponements Requested Under 44 U.S.C.  
§ 2107 Section 6 (3)

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Dear Mr. London:

Thank you for your letter of April 19, 1996. I appreciate your prompt response to my earlier letter.

Your letter requests postponements (redactions) in two assassination records contained in the files of the House Select Committee on Assassinations (HSCA). The requested postponements are of the names of various employees of the U.S. Customs Service. You request these postponements under the privacy provision of the John F. Kennedy Assassination Records Collection Act (JFK Act).

Section 6 of the JFK Act contains the specific standards that would permit postponements to be sustained. (The standards differ markedly from FOIA.) In Section 11 of the JFK Act, Congress determined that the JFK Act takes precedence over other laws relating to the release of government records. The JFK Act also contains a strong presumption for release of assassination records. Records or parts of records that may otherwise be protected under the Privacy Act, therefore, might be released under the JFK Act. Under the JFK Act, our Board is obligated to release information unless there is "clear and convincing evidence" supporting its postponement.

Accordingly, we would very much appreciate your forwarding to us by 18 June, 1996, any evidence that you have with respect to whether the individuals whose names you wish to redact are still living and what type of harm you believe would befall them if their names were released. Without this specific evidence, it is unlikely that our Board would vote to uphold your agency's requested postponements.

Finally, relative to HSCA record 180-10103-10488, you have requested postponements on the Record Information Form (RIF) generated for the document by the National Archives and Record

Administration (NARA). This RIF, attached to a withdrawal slip for the document itself, has been part of the public portion of the JFK Collection since it opened in 1993. Our Board does not have the authority to postpone this information on the RIF, and so will not be taking up this portion of your request.

Thank you for your cooperation.

Sincerely,

David G. Marwell  
Executive Director